

SITE 4 – SDG&E

- Site 4 (172 acres) has a General Plan and Zoning designation of Open Space (OS), which allows for open space, public recreational, and agricultural uses. The site is owned by SDG&E.
- SDG&E also owns the 48 acre property immediately east of I-5 and adjacent to Site 4. This 48 acre site is designated for visitor-serving commercial uses.
- Site 4 is regulated by the Agua Hedionda Segment Local Coastal Program Land Use Plan (LUP). The LUP designates the site OS and regulates it as follows:
 - conversion of the 48 acre site to visitor-commercial development is subject to a future Specific Plan and applicable agricultural conversion policies.
 - Site 4 is to be zoned EA (Exclusive Agriculture) and that, prior to development of the 48-acre visitor-commercial site, a permanent open space easement in favor of the City shall be recorded over Site 4. The OS easement shall limit uses to agriculture, utility right-of-way and maintenance, roadways, and trails that do not interfere with agricultural operations.
 - the area designated “Community Park” (Hub Park) shall be zoned OS and uses shall be limited to those allowed in the OS zone. This OS zone requirement is in conflict with the above requirement to zone Site 4 EA.
- The City currently leases approximately 91 acres of Site 4 (the northeast portion of the site) from SDG&E for park and recreation purposes (“Hub Park” lease). The lease is for sixty (60) years, ending on November 9, 2035, with options to a total of ninety-nine (99) years, or until 2074.
- Specific Plan 144 (adopted in 1971) also applies to all of the land originally owned by SDG&E, including Site A. The Specific Plan provides rules and regulations for the orderly development of SDG&E’s land holdings. However, it primarily provides design and development guidelines for the lands occupied by the Encina Power Station and provides no real land use regulations for Site A.
- Site 4 has visibility from I-5 and Cannon Road and has excellent views of Agua Hedionda Lagoon and the ocean. Vehicular access rights are permitted onto Cannon Road. Excellent opportunities exist to enhance public access and public use of the site by providing a public bluff-top trail and linear park with public viewpoints along the lagoon bluff edge. In addition, excellent opportunities also exist to provide pedestrian/bicycle connections to properties to the south, east, and west, utilizing the existing under crossings under Cannon Road and existing and planned City trails.

LAND USE/ZONING PROFILE

Site: "4"

Location: North of Cannon Road, east of the I-5 Freeway, south of Agua Hedionda Lagoon and west of the Kelly Ranch Residential Community.

Assessor's Parcel Number: 211-010-28 and 39

Size: Approximately 172 Acres

Ownership: San Diego Gas & Electric Company

General Plan Designation: OS (Open Space) – is defined as any area of land or water which, for whatever reason, is not developed for urbanized uses and which therefore enhances residents' quality of life. The open space may be in its natural state or modified in such a way that the modification itself contributes to this enhancement. Open Space may include; 1) open space for preservation of natural resources; 2) open space for managed production of resources; 3) open space for outdoor recreation (programmed or unprogrammed); 4) open space for aesthetic, cultural and educational purposes; and 5) open space for public health and safety.

Zoning Designation: OS (Open Space) - Allowable uses include open space, public recreational uses and agriculture. The OS Zone allows for Public facilities and structures and cultural, entertainment, and recreational activities and facilities through the approval of a Conditional Use Permit.

Local Coastal Program Land Use Designation: OS (Open Space)

Local Coastal Program Zoning Designation: N/A (No certified LCP Implementation Plan)

Local Facilities Management Zone: 13

Other Applicable Regulatory Documents:

Local Coastal Program Land Use Plan - Agua Hedionda Segment: The site is regulated by the Agua Hedionda Segment of the LCP Land Use Plan (LUP). The LUP designates the entire site as OS (Open Space). The LUP requires that the 48 acre parcel located adjacent and to the west of the subject site (also under the same ownership as the subject site) be zoned and developed for visitor-serving commercial uses (TS - Travel Services). Prior to development of the adjacent 48-acre TS parcel, a permanent open space easement in favor of the City of Carlsbad shall be recorded over the subject site. The easement shall limit uses on the subject site to agriculture, utility right-of-way and maintenance, roadways, and recreational trails that do not interfere with agricultural operations. The LUP requires the subject site to be zoned EA (Exclusive Agriculture). However, the LUP also allows the property owner to participate in any city-sponsored agricultural conversion program (such as the Agricultural Mitigation Fee Program).

In addition, the LUP requires that the area of the subject site designated "Community Park" (Hub Park) shall be zoned open space and uses in this area shall be limited to uses allowed in the OS zone. This OS zone requirement is in conflict with the above requirement to zone the site EA (Exclusive Agriculture).

The City of Carlsbad does not have a certified Implementation Plan for the Agua Hedionda Segment of the LCP. Therefore, any proposed development of this site would need to receive approval of a Coastal Development Permit directly from the California Coastal Commission.

Specific Plan 144: Specific Plan 144 (adopted in 1971) applies to the 680 acres of land originally owned by SDG&E, including the Site "4". The purpose of the Plan is to provide rules and regulations for the orderly development of SDG&E's land holdings. However, it primarily provides design and development guidelines for the lands occupied by the Encina Power Station and provides no real land use regulations for Site "4".

Hub Park Lease: The City of Carlsbad currently leases approximately 91 acres of the site (the northeast portion of the site) from SDG&E for park and recreation purposes. The lease is for sixty (60) years, ending on November 9, 2035, with options to a total of ninety-nine (99) years.

Current Uses: Agriculture – strawberry field crops; Overhead Utility Lines/Towers; Open Space easement

Adjacent Uses:

North: Agua Hedionda Lagoon
South: Car Country, Gemological Institute of America, Open Space, Carlsbad Ranch Hotel and Time Share project (under construction)
West: Interstate 5 Freeway, Encina Power Station
East: Open Space, Agua Hedionda Lagoon Foundation Interpretive Center, Carlsbad Golf Course, Kelly Ranch Residential

Accessibility:

Vehicular: Access from Cannon Road is presently available on the parcel located adjacent to the west of the site.
Pedestrian: Agua Hedionda Segment of the LCP Land Use Plan identifies a future pedestrian path on the parcel west of the site. Two pedestrian and bicycle under crossings exist to the site under Cannon Road.
Bicycle: Agua Hedionda Segment of the LCP Land Use Plan identifies a future bike path on the parcel west of the site. Bike lanes exist on Cannon Road.
Public Transit: Bus service not presently available along Cannon Road. Nearest service is along Palomar Airport Road and along Carlsbad Boulevard.

Visibility: The site is visible from Cannon Road and the residential areas on the north shore of Agua Hedionda Lagoon. Portions of the site are visible from the I-5 freeway.

View Potential: Views of Agua Hedionda Lagoon. Some ocean views may be possible from certain portions of the site.

General Comments and Observations (including primary opportunities and constraints):

The western portion of the site has excellent visibility from I-5 and Cannon Road. The site has excellent views of Agua Hedionda Lagoon and has the potential for ocean views. Vehicular access

rights are permitted onto Cannon Road. Excellent opportunities exist to enhance public access and public use of the site by providing a public bluff-top trail and linear park with public viewpoints along the lagoon bluff edge. In addition, excellent opportunities also exist to provide pedestrian/bicycle connections to properties to the south, east, and west, utilizing the existing under crossings under Cannon Road and existing and planned City trails.

The site is regulated by the LCP Agua Hedionda Land Use Plan as described above (copy of applicable excerpts are attached). If land uses or structures are proposed that are inconsistent with the Agua Hedionda Land Use Plan or the existing General Plan Land Use and Zoning designations, amendments would be required and review and approval by the Planning Commission, the City Council, and the California Coastal Commission would be necessary for approval of any amendments.

The major electrical transmission lines that traverse the property, the City's Hub Park lease, sensitive native habitats, and the existing open space easement will need to be considered. The site is currently not within the Airport Influence Area and is not subject to the Comprehensive Land Use Plan for the McClellan-Palomar Airport (CLUP). However, the San Diego County Airport Authority is proposing amendments to the CLUP which could have impacts on the scope and intensity of future uses on the site.

AGUA HEDIONDA LAND USE PLAN

ADOPTED MAY, 1982

Kelly Ranch LCP

Amendment

July 11, 2000

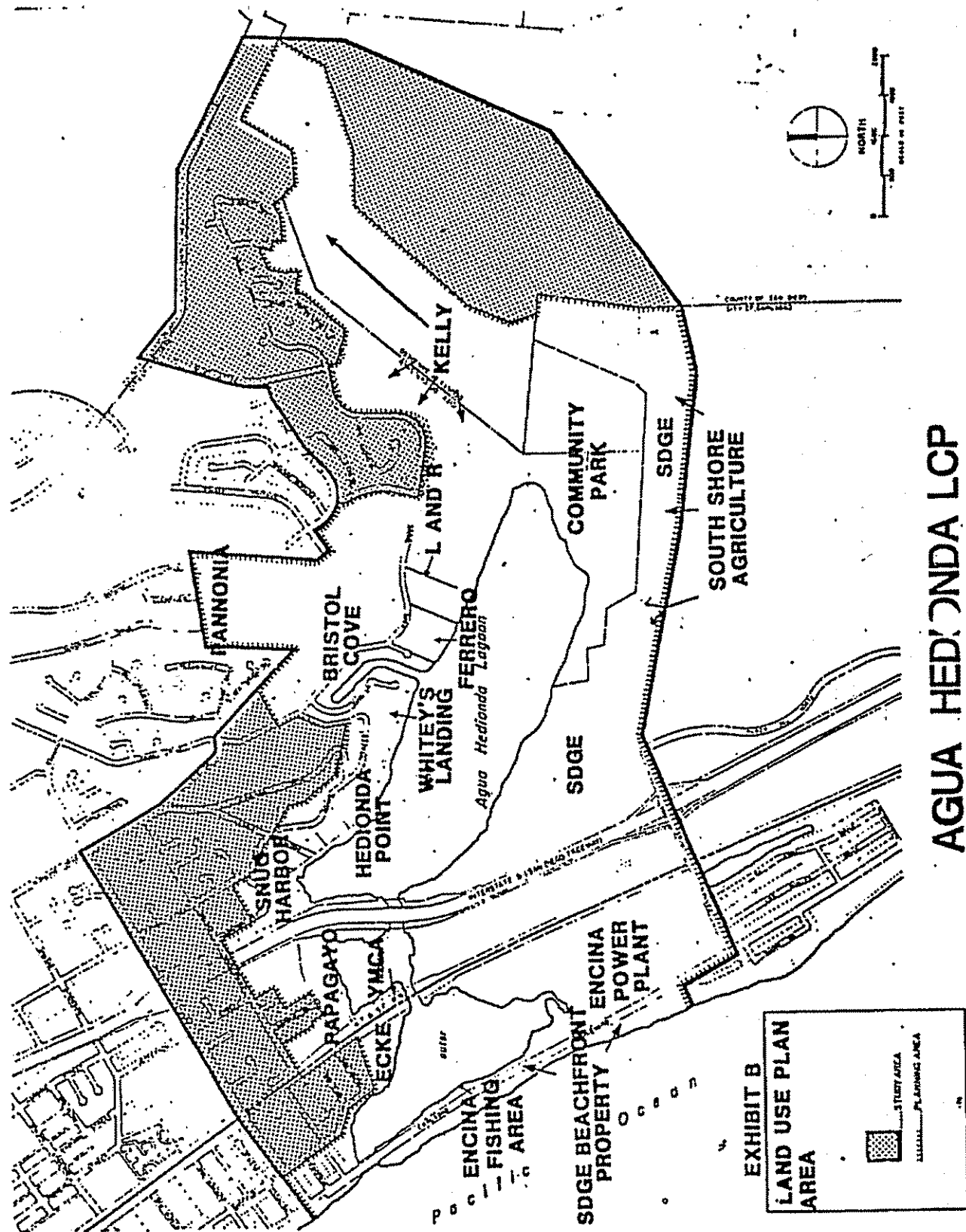
city of carlsbad local coastal program

III. LAND USE PLAN

This report comprises the Land Use Plan portion of the Agua Hedionda Local Coastal Plan. The Land Use Plan is made up of two primary components, (1) the Land Use Map and (2) the Land Use Text. The Map graphically depicts allowable land use activities, while the Text provides a written discussion of the Land Use Plan and contains policy statements. Subsequent to City and Coastal Commission review and approval of the Land Use Plan, the implementation (zoning/action programs) portion of the Agua Hedionda Plan will be developed. The Land Use Plan, together with the Implementation Program, will comprise a complete Local Coastal Program.

In developing the original Agua Hedionda Land Use Plan, an area larger than the Local Coastal Plan area was included in the study. This larger area ("study area") was included to take a more comprehensive look at potential environmental impacts and planning issues. Policy issues and Land Use discussion contained in this document pertain only to the Agua Hedionda Plan area (referred to as "planning area"). The remaining "study area" properties are under the jurisdiction of the Carlsbad Local Coastal Program, approved by the State Coastal Commission in June 1981. Exhibit "B" illustrates these areas, and designates parcels specifically addressed in the Plan.

Following certification of this plan by the City and Coastal Commission, periodic review will occur. The Coastal Act requires an evaluation of the Plan for effectiveness and the impact of changing conditions, at least every five years. Amendments to the certified plan may be processed similar to general plan amendments subject to the approval of the State Coastal Commission.



The lagoon provides for a wide range of water related uses, including aquaculture, boating, water skiing, fishing and wildlife habitat. The outer lagoon is used primarily for fishing, and provides cooling water for the SDG&E power facility. The middle lagoon is used for sailing and swimming. The western half of the inner lagoon is used for power boating and water skiing, while the eastern end of the lagoon contains environmentally sensitive wetland and habitat areas.

The land use categories and residential density ranges utilized in the land use map and policy statements are based on those contained in the Carlsbad General Plan. This provides for consistency between the Agua Hedionda Plan and the General Plan, and allows for eventual integration of the two documents. Zoning ordinances and designations will be developed in the implementation phase of the Agua Hedionda Land Use Plan.

The various densities of residential uses indicated on the map will be modified in actual practice by several considerations. Reservations of public access easements, preservation of defined view-corridors, and limitations on grading are all factors that will tend to reduce the potential yield of living units per acre. Projects within the areas designated RM, RMH, and RH which exceed the minimum guaranteed General Plan density will be subject to additional review by the City Council. The Council may allow up to the maximum General Plan density only if the necessary public facilities are available to serve the project, the higher density will not adversely impact the surrounding areas, and the development provides unique onsite amenities, public recreational opportunities, preserves/enhances unique geological environmental features, or provides affordable housing.

Land use designations, must be considered in conjunction with other sections of this plan. Certain parcels, because of unique environmental or ecological considerations, will be limited for development in some ways that are not applicable to other parcels having the same use designation. For the most part, these limitations, requiring a greater degree of creativity on the part of the land planner, can be an asset rather than a liability to the owner, since their purpose is to enhance desirable features of the land and the natural environment.

Policies

- [1.1 Land uses in the Agua Hedionda Plan area shall be consistent with those indicated on the Land Use Map (Exhibit C).

1.4 Development of the "Ferrero" property shall be regulated as follows:

- a) The area determined by the State Lands Commission to be developable shall be designated RMH (10-20 units per acre). The remainder of the site shall be designated Open Space (OS).
- b) Beyond the southern perimeter of the developable portion of the site, an area of 100 feet in width shall remain undeveloped for the purpose of providing a buffer between development and environmentally sensitive areas. The perimeter of the developable area shall be maintained/improved in a manner to prohibit uncontrolled access into the buffer area. Private recreation and landscape improvements in the buffer area shall be made in consultation with the State Department of Fish and Game. Maintenance of the buffer area shall be the responsibility of the homeowners association.
- c) The area beyond the developable portion of the property and the buffer area shall be dedicated in fee or easement to an appropriate public agency. Access to this area shall be restricted to scientific, educational or other uses consistent with resource management in a manner acceptable to the State Department of Fish and Game.

1.5 The Hedionda Point area between the Hoover Street extension and Whitey's Landing shall be designated RLM (0-4 units per acre).

1.6 To enhance public recreation activities, the area between Snug Harbor and Hoover Street shall be designated RC, for recreational commercial use.

1.7 The area designated "Community Park" shall be zoned open space (OS). Uses in this area shall be regulated by the open space zone and shall be sited so that there are no significant adverse impacts on agricultural lands, wildlife habitats and environmentally sensitive areas.

1.8 The "Ecke" property shall be regulated as follows:

- a) The primary use of the site shall be aquaculture. Other coastal dependant and visitor-serving commercial uses shall be allowed, provided they occupy no more than 50% of the site.

- b) As secondary uses, in the interim period while aquaculture alternatives are being studied, other uses may be permitted which would necessitate minimal site disturbance or capital investment, including active recreation (fishing, tent camping, etc.), beach access parking, short-term recreational vehicle parking, and temporary accessory commercial facilities (bait-and-tackle shop, food concession, etc.);
- c) All uses shall be regulated by conditional use permit. All proposed uses shall be conditioned to provide all access improvements required by this plan, and shall provide peripheral landscaping which at maturity will screen all objectionable improvements (i.e., aquaculture facility, outside storage, parking areas, etc.) as viewed from Carlsbad Boulevard.

1.9 Building height shall be limited to a maximum of 35 feet. Building setbacks and lot coverage shall be regulated by the applicable zoning designation, except as specifically modified in this plan.

1.10 The 45 acre parcel owned by SDG&E located on the south shore immediately east of the freeway shall be designated TS, Travel Services. Conversion of the property to commercial development shall be subject to a future specific plan and the applicable policies relating to agricultural conversion. A future specific plan will be required by the City for development of the property.

Discussion

Agriculture in the Agua Hedionda area is dependent upon a wide range of factors. The soil resource is not as ideal as that in other parts of the State but is well-suited to the existing agricultural operations. Climate is the major factor which has determined the success of the area's agriculture since it allows production during months when agriculture is precluded in competing areas. Water is a critical factor, and both direct and indirect energy costs contribute significantly to agricultural costs. Labor also represents a substantial proportion of costs; its future depends to a large extent on government policies toward undocumented aliens. Access to certain Carlsbad agricultural areas is difficult during certain times of the year. Improvement of access would involve a trade-off between production gains from better access and the potential for increased vandalism.

Agricultural activities in the plan area are limited to south shore properties. This area is contiguous with other large agricultural lands to the south and east.

Policies

2.1 Conversion of agricultural property shall be consistent with Coastal Act policies, and the policies of this plan.

2.2 The south shore agricultural lands shall be designated "Open Space." This area shall be zoned "Exclusive Agriculture" in the implementation phase of the plan.

2.3 Conversion of the 45-acre SDG&E south shore property shall be subject to the following conditions:

a) Prior to development SDG&E shall record a permanent open space easement over the remaining agricultural lands in favor of the City of Carlsbad. Said easement shall limit uses to agriculture, utility right-of-way and maintenance, roadways, and recreation trails that do not interfere with agricultural operations.

b) SDG&E shall provide a written report demonstrating to the satisfaction of the City, that preservation of the site is not necessary to assure reasonable expansion opportunities for the Encina Power Plant in accordance with Coastal Act Section 30413(b), and that future expansion could reasonably be accommodated at the present power plant site. Said report shall be a requirement of a future specific development plan for the property.

- c) Prior to issuance of a permit for development of the parcel, the owner shall make a portion of the site available for development as a public recreational use if the City finds that current or future recreational needs require the development of such uses in the south shore portion of the Land Use Plan area.
- d) In the event that the Carlsbad Local Coastal Plan is amended to allow for a City-sponsored agricultural program, SDG&E may apply for inclusion in the amended program.

Major boating facilities include Snug Harbor and Whitey's Landing, both located on the north shore of the inner lagoon. All three lagoon areas provide passive activities such as walking, hiking, wildlife observation and informal viewpoints.

Policies

- 6.1 Whitey's Landing and Snug Harbor shall be designated for continued recreational-commercial use. Expansion of existing facilities at these locations shall be encouraged (Exhibit "B").
- 6.2 Construction of private docks, boat storage and launching facilities shall be subject to approval by the U.S. Army Corp of Engineers, the State Department of Fish and Game, the City of Carlsbad and the California Coastal Commission, consistent with Coastal Act Policies.
- 6.3 The SDG&E agricultural conversion property adjacent to the I-5 freeway, shall be designated Travel Services. This will allow for 45 acres of additional visitor-serving commercial uses.
- 6.4 If demand for boating/launching facilities cannot be accommodated by existing development, and it can be demonstrated that the lagoon will not be adversely affected by additional boating access and is consistent with Coastal Act Policies, the City should develop public or joint public/private boat facilities in the area of Hoover Street.
- 6.5 The Encina fishing area on the outer lagoon should be maintained as a public activity area.
- 6.6 If boating activities on the inner lagoon reach such a high level of use that public safety is endangered or the lagoon ecosystem is being adversely impacted, the City may act to restrict maximum carrying capacity, reduce maximum speeds and limit the horse-power of boats.
- 6.7 The present recreational uses of the lagoon shall be maintained and where feasible, expanded.

There are factors which limit the desirability of unrestricted access to the lagoon. Along the south shore, the slope conditions are such that attempts to provide usable access to the water's edge could only be accomplished through extensive grading with its potentially detrimental impacts, and would also be disruptive to the agricultural activities along this bluff. It is therefore proposed that public access to the south shore will be limited to viewing areas and pocket beaches that do not interfere with agricultural production or impact environmentally sensitive areas. The wildlife preserve proposed for the easterly portion of the lagoon and the adjacent mudflats should also be protected from uncontrolled access, except as needed for management/maintenance activities.

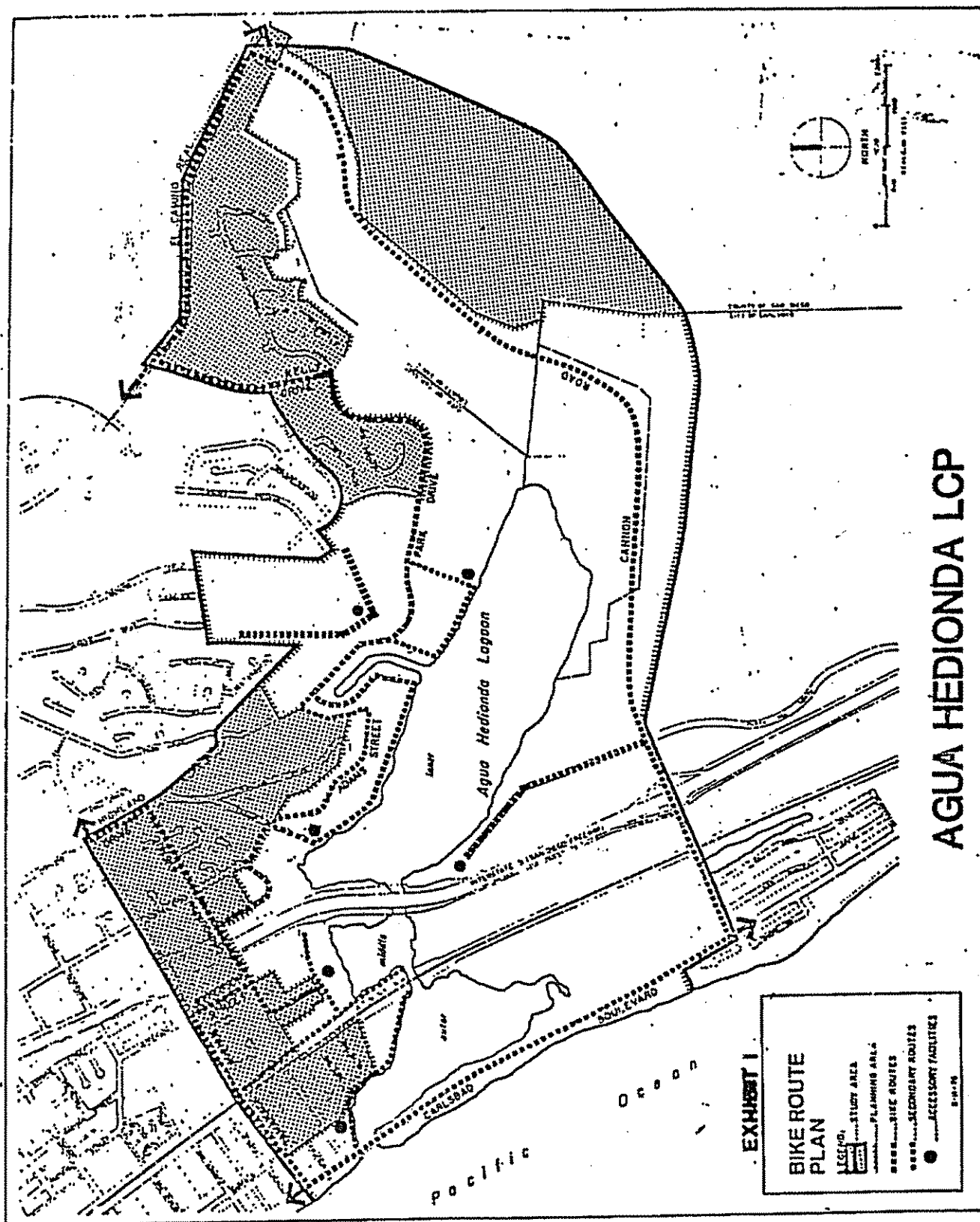
The public beach area at the mouth of the lagoon currently provides parking and limited support facilities. Informal pedestrian access is provided at the south end of the beach area, through SDG&E property. Dirt walking trails exist along much of the north shore area. The most heavily used appears to be the shoreline area between the YMCA on the middle lagoon, and the beach/fishing areas on the outer lagoon.

Primary bicycle routes currently developed include designated routes along El Camino Real and Carlsbad Boulevard. The coastal route, along Carlsbad Boulevard is part of a regional bikeway providing continuous bicycle access from Oceanside, south to Del Mar.

Policies

- 7.1 Bicycle routes, and accessory facilities such as bike racks, benches, trash containers and drinking fountains shall be installed at the locations indicated on Exhibit I.
- 7.2 Pedestrian access ways shall be located as shown on Exhibit J.
- 7.3 All pedestrian trails shall be constructed to a minimum width of 5 feet. Combination bicycle/pedestrian trail shall be a minimum 10 feet wide.
- 7.4 Vertical pedestrian access easements shall be a minimum 10 feet in width. Combination bicycle/pedestrian easements and lateral easements shall be a minimum 25 feet in width.
- 7.5 Bike route and pedestrian improvements shall be financed according to the following criteria:

(1) Routes through established neighborhoods such as Carlsbad Boulevard and Tamarack Avenue shall be financed with City, State or Federal funds.



Policies

- 8.1 Park Avenue, Adams Avenue and Carlsbad Boulevard are designated as scenic roadways. Development adjacent to these roads shall maintain a minimum 20-foot landscaped buffer between the street and parking areas. Required landscaped setbacks may include sidewalks and bikeways, but shall not include parking areas. Parking areas shall be screened from the street utilizing vegetation, tree forms, and berms, as appropriate.
- 8.2 Special vista points and viewing areas shall be preserved, and made available to the public, as indicated on Exhibit K.
- 8.3 Development located adjacent to scenic roadways, or located between the road and shoreline, shall be regulated as follows:
- a) Where a significant elevation difference (e.g., 35 feet) exists between the shoreline and the first parallel public road, as in the case of Hedionda Point and Snug Harbor, no portion of a structure in the intervening area shall be permitted to exceed the elevation of the roadway.
 - b) Where no significant elevation difference exists between the shoreline and the first parallel public road, permitted development in the intervening area shall provide a view corridor, of a width equivalent to at least one-third of the road frontage of the parcel, which shall be kept free of all structures and free of landscaping which at maturity would rise above a reasonable view line from vehicles passing on the public road.
 - c) On all property adjoining the shoreline, permitted development shall be designed to "step down" in height, to avoid casting shadows on shoreline areas and to produce a perceived transition from open space areas to developed areas; and
 - d) Any development proposed to be located on or near a significant landform (e.g., Hedionda Point) shall be designed so as to minimize disturbance of natural landforms, and shall be developed in a manner that assures its compatibility and harmony with the natural landform through use of such architectural techniques as terraced or pole foundations and variation of roof lines to complement the topography.
 - e) Any residential subdivision on Planning Area A shall be designed to preserve natural landforms and shall provide a public view corridor at the western property line of sufficient width to preserve the existing view towards the lagoon in that location. At least one additional view corridor shall be provided across the central portion of the site, such that the total width of at least two view corridors is not less than 200 feet. The public view corridor(s) shall be kept free of all structures and free of landscaping which at maturity would rise above a reasonable viewline from vehicles passing on the public road. The view corridor shall be secured through deed restriction or easement as a condition of subdivision approval.
- 8.4 All new development in the plan area shall be subject to the provisions of the Carlsbad Scenic Preservation Overlay Zone.

Site 4 Constraints Acreage

<u>Total Acreage</u>	172 ac
(CCC OS Easement)	<u>71 ac</u> 101 ac
(Powerline Corridor)	<u>41 ac</u> 60 ac net (101 ac w/ partial Powerline use)

Hub Park Lease Area

Total Area	101 ac (lease states 91 ac)
(CCC OS w/in lease area)	<u>67 ac</u> 34 ac
(Powerline w/in lease area)	<u>18 ac</u> 16 ac net (34 ac w/ partial Powerline use)



Legend
Project Area



Site 4





Legend
Project Area
CCC Open Space



1,000 500 0 Feet



Site 4



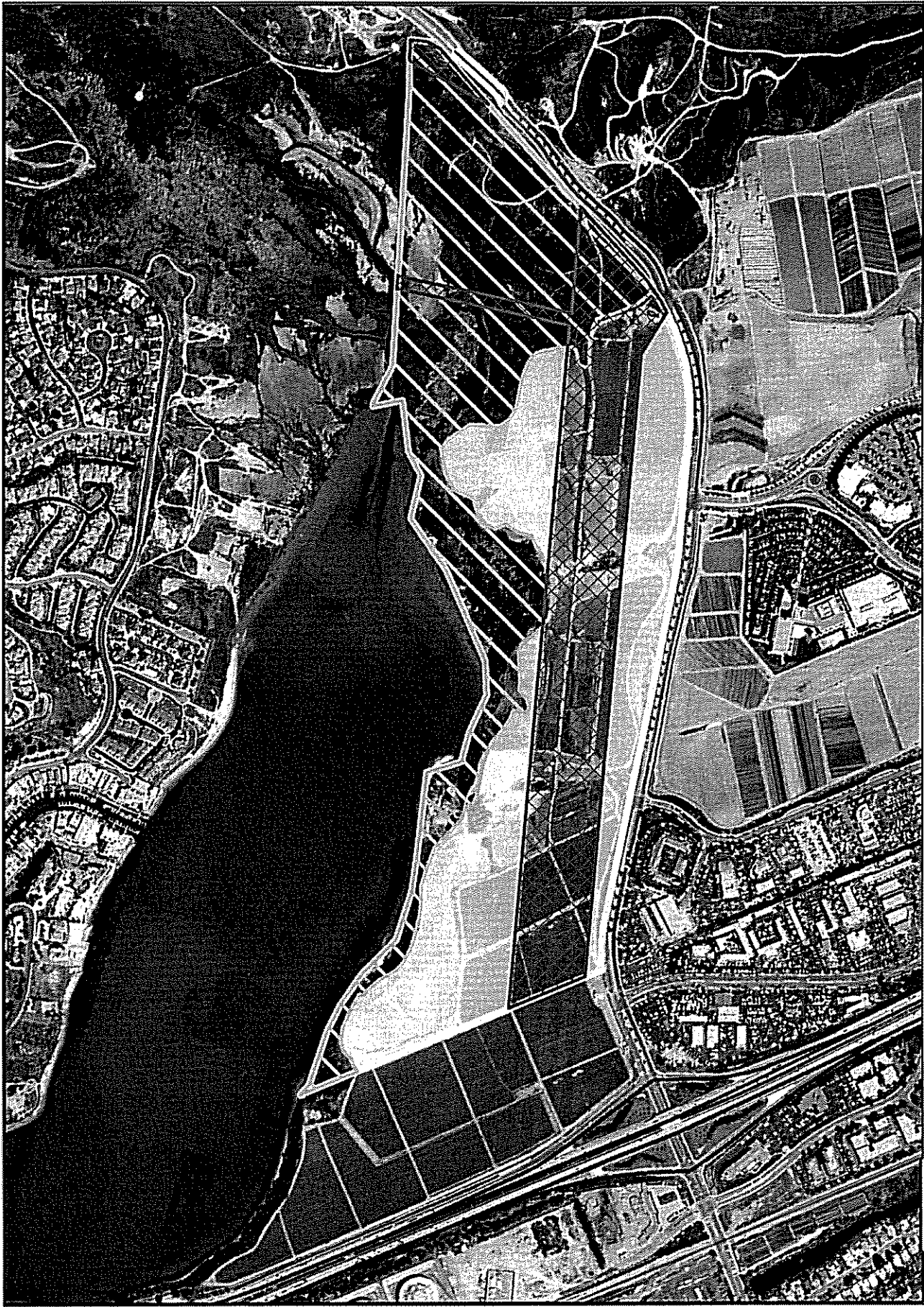
Legend

- Projected Area
- CCC Open Space
- Power Line



Site 4

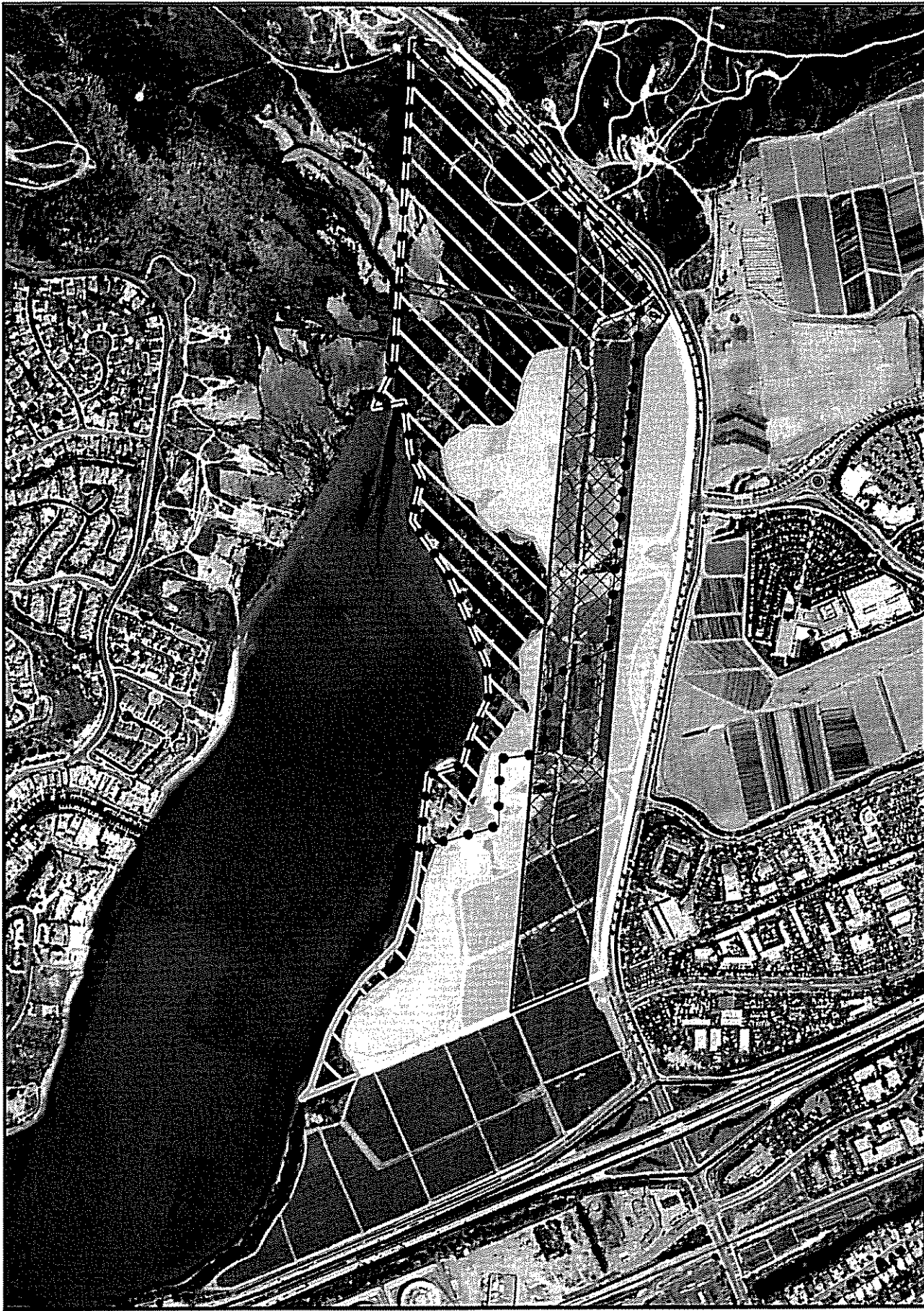




Site 4

- Legend
- Project Area
 - CCC Open Space
 - Power Line





Legend

Project Area

CCC Open Space

Power Line

Hub Park

0 500 1,000 Feet



Site 4





Legend

Project Area



Site 4



Printed 11 January 2008. Image Date: April 2004.
Aerial photograph courtesy of the U.S. Army Corps of Engineers.